

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

FINJAN, INC.,  
Plaintiff,  
v.  
BLUE COAT SYSTEMS, LLC,  
Defendant.

Case No. 15-cv-03295-BLF

## **ORDER GRANTING SEALING MOTIONS**

[Re: ECF 111, 124]

This order specifically addresses parties' administrative motions to file under seal portions of their briefing and exhibits in relation to Plaintiff's motion for preliminary injunction. For the reasons stated below, the motions are GRANTED.

## I. LEGAL STANDARD

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097. In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

## II. DISCUSSION

The Court has reviewed the parties' sealing motions and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal certain portions of the submitted documents. The proposed redactions are also narrowly tailored. The Court's rulings on the sealing requests are set forth in the tables below:

A. ECF 111

Identification of Documents to be Sealed	Description of Documents	Court's Order
Defendant Blue Coat Systems, Inc.'s Opposition to Plaintiff Finjan, Inc.'s Motion for Preliminary Injunction ("Opposition")	Sections 23:9-11 and 25:10-13 contain confidential product and business information of Blue Coat Systems, Inc.	GRANTED.
Opposition	Sections 1:10-12, 5:19-21, 11:24-26, 14:24-26, 15:3-5, 15:12-13, 15:24, 16:1-3, 16:6, 18:2-5, 18:27, 19:1, 19:3-4, and 22:10-11 contain confidential technology and business information of Finjan, Inc.	GRANTED.
Declaration of Dr. Azer Bestavros in Support of Opposition ("Bestavros Declaration")	Sections 8:15-9:7, 15-20, 10:8-21, and 11:2-3 contain confidential product and source code information of Blue Coat Systems, Inc.	GRANTED.
Declaration of Patrik Runald in Support of Opposition ("Runald Declaration")	Section 2:4-8 contains confidential business and product information of Blue Coat Systems, Inc.	GRANTED.
Ex. I to Declaration of Olivia M. Kim in Support of Opposition ("Kim Declaration"), in its entirety.	This exhibit contains Finjan, Inc.'s confidential business and technology information.	GRANTED.
Ex. J to Kim Declaration, in its entirety.	This exhibit contains Finjan, Inc.'s confidential business and technology information.	GRANTED.
Ex. L to Kim Declaration, in its entirety.	This exhibit contains Blue Coat Systems, Inc.'s confidential business and technology information.	GRANTED.
Ex. P to Kim Declaration, in its entirety.	This exhibit contains Finjan, Inc.'s confidential business and technology information.	GRANTED.
Ex. T to Kim Declaration, in	This exhibit contains Finjan,	GRANTED.

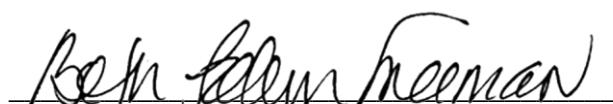
1	its entirety.	Inc.'s confidential business and technology information.	
2	Ex. W to Kim Declaration, in its entirety.	This exhibit contains Finjan, Inc.'s confidential license agreement.	GRANTED.
3	Ex. X to Kim Declaration, in its entirety.	This exhibit contains Finjan, Inc.'s confidential license agreement.	GRANTED.

**B. ECF 124**

Identification of Documents to be Sealed	Description of Documents	Court's Order
Plaintiff Finjan, Inc.'s Reply in Further Support of its Motion for Preliminary Injunction ("Reply")	Sections 8:16-26; 11:8-9; 11:17-18; 12:8-11; 13: 7-9; and 14:24-25 contain Finjan, Inc.'s confidential business and product information, as well as Blue Coat Systems, Inc.'s confidential product information.	GRANTED.
Exhibit 1 to Declaration of Cristina Martinez in Support of Reply ("Martinez Decl.")	Sections 66:1-7; 70:4-12; 71:25; 72:1-6; 96:1-9; 96:14-98:1; 110:5-12; 137:8-138:2; 139:22-140:25; 146:14-19; 151:17-152:15; and 153:2-15 contain Finjan, Inc.'s confidential business, financial, and technical information.	GRANTED.
Exhibit 2 to Martinez Decl.	Sections 75:1-15; 75:17-79:19; 113:2-8; 113:15-117:25; 119:1-20; 121:5-11; 121:13-25; 128:2-20; and 170:15-171:22 contain Finjan, Inc.'s confidential business, financial, and technical information.	GRANTED.

**IT IS SO ORDERED.**

Dated: October 24, 2016



BETH LABSON FREEMAN  
United States District Judge